

**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, JUNE 18, 2012, AT 1:00 PM**

Present: Chair John Naimo, Laurie Milhiser and Patrick Wu

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

- a. **Larry Berry v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 446 954**

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an incarcerated inmate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$82,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

[See Supporting Documents](#)

**b. Myone Bollinger v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 414 944**

This lawsuit concerns allegations that a Sheriff's Department employee was subjected to disability discrimination and that the Department failed to engage in the interactive process.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,250,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**c. Oliver Mbolo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 458 861**

This lawsuit concerns allegations that a Department of Health Services employee was subjected to discrimination, harassment, retaliation, and adverse employment actions.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$145,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**d. Maygi Li v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 463 394**

This lawsuit concerns allegations that a Department of Health Services employee was subjected to sexual harassment, disability discrimination, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$98,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**e. Justine Yee v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 463 188**

This lawsuit concerns allegations that a Department of Health Services employee was subjected to sexual harassment, disability discrimination, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$98,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the June 4, 2012, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|---|
| CASE NAME | Larry Berry v. County of Los Angeles, et al. |
| CASE NUMBER | Case No. BC446954 |
| COURT | Los Angeles Superior Court |
| DATE FILED | Complaint filed October 7, 2010 Claim filed March 29, 2010 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 82,000 |
| ATTORNEY FOR PLAINTIFF | Danielle Claxton Willoughby & Associates |
| COUNTY COUNSEL ATTORNEY | Jennifer A.D. Lehman |
| NATURE OF CASE | <p>Plaintiff Larry Berry alleges that he was subjected to excessive force by four Sheriff's Deputies while he was incarcerated at Men's Central Jail.</p> <p>The Deputies contend that the force used was reasonable under the circumstances and justified to counter Mr. Berry's resistance.</p> <p>However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$82,000 is recommended.</p> |

PAID ATTORNEY FEES, TO DATE \$ 50,867

PAID COSTS, TO DATE \$ 4,190

Case Name: Larry Berry v. County of Los Angeles, et. al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

| | |
|--|---|
| Date of incident/event: | Saturday, October 17, 2009; 8:30 a.m. |
| Briefly provide a description of the incident/event: | <p><u>Larry Berry v. County of Los Angeles, et. al.</u> Summary Corrective Action Plan No. 2012-009</p> <p>On Saturday, October 17, 2009, at 8:30 a.m., the plaintiff was incarcerated in the Los Angeles County Sheriff's Department's Men's Central Jail facility when he became involved in a violent altercation with members of the Los Angeles County Sheriff's Department.</p> |

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff alleged that members of the Los Angeles County Sheriff's Department used an unreasonable level of physical force to subdue him. As a result of the unreasonable force, the plaintiff alleged he sustained serious physical injuries.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

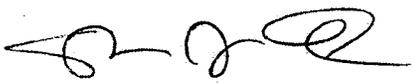
Representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau conducted a thorough administrative investigation. The results of their investigation were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee concluded that the level of physical force used by the deputies was reasonable, necessary, and in compliance with Department policy. Consequently, no corrective action measures are recommended or contemplated.

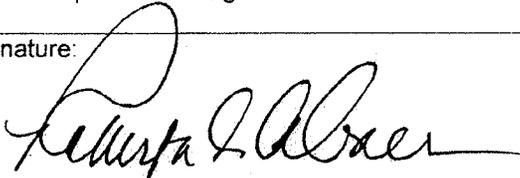
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

| | |
|---|------------------|
| Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau | |
| Signature:  | Date: 5/21/12 |

| | |
|---|------------------|
| Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division | |
| Signature:  | Date: 5/22/12 |

Chief Executive Office Risk Management Branch

| | |
|---|--------------------|
| Name: LEO COSTANTINO | |
| Signature:  | Date: 5/30/2012 |

i:\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

June 4, 2012

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Millicent Rolon, Lauren Black, Donna Koch, Joyce Aiello, Kent Sommer, Eva Vera-Morrow and Richard Mason; Sheriff's Department: Lt. Patrick Hunter; Department of Children and Family Services: Michelle Victor, Beth Minor, Brandon Nichols, Wanda Hazel and Alma Golla; Probation Department: Tracy Jordon-Johnson; Department of Mental Health: Shelli Weekes and Margo Morales; Department of Public Health: Leo Busa and Dorothy De Leon; Department of Human Resources: Michael Lynd and Comelita Farris; Outside Counsel: Christie Swiss, Elizabeth M. Kessel, Christy L. O'Donnell and Toni Rae Bruno.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 11:50 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Carla Sameth v. County of Los Angeles, et al. United States District Court Case No. CV 10-6565

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$199,000.

Vote: Ayes: 3 – John Naimo, Laurie Milhiser and Patrick Wu

b. **Evelyn Pena, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-05038

This lawsuit alleges that the Department of Children and Family Services wrongfully detained two siblings – an infant and toddler.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$165,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

c. **Elizabeth Givan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 445 461

This lawsuit concerns allegations that an employee of the Probation Department was subjected to discrimination, harassment and retaliation by the Department's failure to engage in an interactive process or provide reasonable accommodation for her work restrictions.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$52,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

d. **Katrina Pratcher v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 461 985

This lawsuit concerns allegations that an employee of the Department of Mental Health was subjected to race and age discrimination, harassment, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

e. **Darlene McDade-White v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 458 184

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was retaliated against for whistle-blowing, subjected to discrimination and harassment based on her race, and that she was subjected to invasion of privacy and false imprisonment.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$70,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

f. **Miracle Star Women's Recovery Community, Inc., et al., v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 283 059

This lawsuit concerns a breach of contract dispute between the Department of Public Health and one of its providers.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter whereby the County dismisses its cross-complaint seeking \$163,937 in return for a release and waiver of all claims.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

5. **Approval of the minutes of the May 21, 2012, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 11:53 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson